THE DAILY COMMONWEALTH.

VOL. 1. FRANKFORT, KENTUCKY, OCTOBER 24, 1849 NO. 20.

PRINTED AND PUBLISHED BY
A. G. HODGES, T. J. TODD & J. W. FINNELL
UNDER THE FIRM OF
A. G. HODGES & CO.
To whom all communications for the paper, or on business, should be addressed, post paid, to receive attention.

A. G. HODGES & CO., STATE PRINTERS.

TERMS.

For the Convention, per copy, - - - - $2 50
Three copies will be furnished for - - - - 6 00
Eight copies will be furnished for - - - - 15 00

☞ *Payment invariably in Advance.* ☜

☞ To any person who will send us TEN SUBSCRIBERS, and remit us TWENTY DOLLARS, we will give a copy of the Daily Commonwealth, gratis.

KENTUCKY STATE CONVENTION.

OFFICIAL REPORTS.

MR. R. SUTTON, CHIEF REPORTER.

MONDAY, OCTOBER 22, 1849.

[*Proceedings Continued.*]

Mr. MAYES. I am not unaware of the fact that the patience of the committee is well nigh exhausted in the examination and investigation of the important and interesting question presented by the motion of the gentleman from Nelson. This fact together with another, the feeble state of my health, admonishes me that it is altogether proper even if I was otherwise inclined, that in any remarks I may submit, I should be as brief as the nature of the case and the circumstance, will permit.

I had thought indeed when I left my home that the convention would have but little difficulty in arranging and framing such a constitution as would accord with the notions and opinions of the people as expressed in the late August election. I thought indeed, and still entertain the same opinion, that all the important amendments desired by the people to the organic law had been so deliberately discussed by the people, and so clearly understood by their representatives, that we would have but little to do here other than to meet together and to throw into proper form the amendments desired to be made in the constitution by those over whom it is to have a mighty influence either for weal or for woe. I know of but two great and important questions discussed during the last summer, in reference to such amendments as should be made in the constitution. Those questions I know were discussed at length in the part of the country in which I live, and from my reading and the indications as exhibited by the newspapers of the country, they were the two great and important questions operating on the people at the time they called the convention. What were they? One was that the legislature met too frequently, and that out of that arose unnecessary and extravagant expenditures, which it was the great object of the people to curtail. Another great object as I then understood, and still understand, of the people in calling a convention was that there should be returned to them the power heretofore delegated to the executive—that of appointing the officers of the commonwealth. The people claimed the right to appoint these officers themselves directly at the ballot box. This question of slavery which has been so ably and eloquently discussed here never entered into the minds of the people as an important question until after it was determined to hold the convention. After that happened the question became an important one, and we have all come here, I doubt not, to express the voice of the people in the way of altering the constitution on this subject. Hence I remark I considered the discussion here on the subject of slavery as uncalled for, and under the circumstances as wholly and entirely improper. I will remark here again, that many have professed to come here in opposition to the open clause or specific amendment, and why? Because they say if the constitution is left in a position to be specifically amended, this question of slavery will agitate and distract the country from year to year. Yet we have here from day to day, in speaking upon and agitating that very question, done the very thing which we would arrest by a clause in the constitution. Hence I regard that we have in our action on that subject been somewhat contradictory to ourselves.

Now I think I am right when I say that the people of Kentucky require no such change in the constitution of the state, as the one proposed by the amendment of the gentleman from Nelson. I am not prepared to say that a bare majority of the legislature in all time to come shall have the right at its will and pleasure to remove from office the judges placed in office, not by the legislature, but by the vote of the people, given at the polls. Gentlemen have told us to beware, to look to our constituents, and I believe if I was to give a vote of that character it would be directly in opposition to the will of those who sent me here. The people desire no such change so far as I am informed, in the fundamental law, as the one contemplated in the amendment of the able, learned, and experienced gentleman from Nelson. I am not to be driven from any opinion on this subject, deliberately formed, by the repeated declaration that the people are capable of self government. It seems that whenever gentlemen desire to press a question and to carry it through they get up and admonish us that the people, the sovereign people of this country, are capable of self government. Sir, this is the lesson, I suppose to have been taught us all from infancy up to the present time—that the people of this free, this happy, and this glorious confederacy, are and ever have been capable of self government. Why, I have understood this to be one of the great and mighty principles for which our fathers in the days of the revolution, the times which tried the souls of men, and for which Washington, Jefferson, and Madison, and all the patriots of that day, contended. All power of right belongs to the people, and should be vested in and confided to them, yet the people themselves, in their fundamental law, desire such checks and guards as shall protect them against wrong and fraud, come from what source it may. This I understand to be the wish and desire of the people. Yet you tell me that you give to the people the right to elect a judge, and at the same time you say that a bare majority of the legislature, without cause, unless it be some political cause, shall have a right to remove the very judge from office elected by the people. I understand that it is contemplated, and I believe it will be done, that the State of Kentucky shall be laid out into four districts, in each of which the people there residing shall select one judge. I understand, also, that it is more than likely that the convention will determine that the state shall be laid out into twelve, or more or less, circuits, and that the people of each circuit shall have the power restored to them to determine who shall be judge in a particular circuit in which they live. Now, assuming that this change shall be made in the constitution, in the district in which I live, the people knowing the integrity, the fitness, and virtue of the individual living in that district, select him and say he shall take the scales of justice, and administer the justice of the land in that district.

Well, the legislature coming from every county in the state meets, and charges are preferred against that judge, or no charge is preferred; if you please he has been a partizan. The legislature, by a bare majority, tell the people of my district, "you have elected your judge; you know him; you have lived with him; you know he is a man of integrity, virtue, and honesty, and legal learning, yet the constitution leaves a majority of us to say that you shall not have the man you select." This would be the effect of it. "You have the right to elect the judge, and a large majority of the district may desire to continue him in office, but a majority of the representatives in the legislature say, you shall not retain him." Why, is it desired that the power of impeachment and the requirement that two thirds of the legislature shall be necessary to remove a judge from office shall be stricken from the constitution, because it is said the judges, where two thirds are required to remove them, are irresponsible to the people? Can it be seriously contended that a judge, elected and holding his station under the change in the constitution proposed by the committee on the court of appeals, will not be responsible to the people? Is not the responsibility seen at once, and will not this responsibility direct the people to remove any difficulty that might exist so far as the amendment of the gentleman from Nelson would be calculated to remove it? Would it not? But if the motion of the gentleman shall be rejected, and the constitution shall require two thirds of the legislature to remove a judge from office, the gentleman tells us he would not give a cent for the constitution. Nay, if you do what the people desired you to do when you were elected—if you say that the power to elect these officers shall be returned to them, the power to select the judge who is to administer the justice of the land in a district—if you say this, I would not give a cent for the constitution, says the gentleman. If you say that the legislature hereafter shall not convene oftener than once in two, three, or four years, still, says the gentleman, I would not give a cent for the constitution. If, again, you leave the proposition in the constitution in relation to slavery as it is, and say you consider the people desire it, still the gentleman says, I would not give a cent for the constitution. Why, these are the great changes, the important changes that it is desired by the people should be made in the organic law of Kentucky.

But the legislature, in the language of the gentleman, is defeated. The legislature of Kentucky constitutes the people of the state of Kentucky. Now, I do confess that to me—although I do not profess to have much learning—this is a new idea. But I would ask before I remark upon it, whether there be in any civilized government upon earth such a feature as the gentleman desires to incorporate in the constitution of Kentucky? I ask if there be in any one of the constitutions of the thirty states, forming this great confederacy, such a feature as the gentleman wishes to have inserted in the constitution of Kentucky? When, and where did he learn that the legislature constituted the people? If any department of the government has been more completely condemned and repudiated (to use a strong term) by the people than any other, it is this self same legislative department.—Why is it that the people desire that it should not be called together more than once in four years, or, at least, once in two years? Why, from the very fact that the people themselves have but little confidence in the discretion and wisdom of that branch of the government. It arises out of that. Why is it that the people desire that the legislature shall not have the right to run the state in debt, without first consulting the people in relation to the appropriations they may desire to make? Because, from experience, the best of all teachers, they have learned that the legislature, on the subject, is not to be relied upon. That is the reason. Why is it that the people desire that this constitution, for the framing of which we have been called together, shall provide for the protection and security of the common school fund of Kentucky? It is for the reason, and that alone, that they apprehend the legislative department of the government will squander and waste that fund which has been set apart, most sacredly, for the education of the poor as well as the rich. Sir, I know it to be the case, so far as the people I have the honor to represent are concerned. Last year, in my county, a large majority was given in opposition to the tax of two cents for common school purposes. Why was it? Simply because they had no faith in the legislative department of the government, and believed they would divert the tax to another purpose. They approved of the common school system, and saw the necessity of education. They know that the very existence and perpetuity of the free institutions of this country depend upon the virtue and intelligence of the people; but say they, "we have no confidence in the representatives of the people." Not that they have no confidence in the people; they tell you they have all confidence in the people. But they say those men we sometimes elect, are not the people, and do that which the people repudiate and condemn. The experience of every man shows this to be true. We all know it to be true. Now, the gentleman from Kenton was right; experience teaches us that he was, although my friend from Henry repudiated it in reference to the democracy, in relation to the principles of party action. The principle of action spoken of by the gentlemen applies to one party as well as another when in power. We may try to bear it off. We may felicitate ourselves that one party in power will not remove from office those opposed to that party, but every day's experience proves to us that when one party is in power, those in office, holding different politics, must give way. Give the legislature the power to remove the judges, and I care not whether the whig or democratic party is in power, human nature is the same in both. A judge, in a time of high party excitement, must bow and cringe at the feet of the legislative department, if they would keep their places. I believe that no gentleman, legally qualified, and having that virtue and integrity so essential to the bench, and possessing one particle of self-respect, if the motion of the gentleman from Nelson succeeds and becomes part and parcel of the constitution, would ever go upon the bench. No, sir. No man who respected his own standing, who regarded the peace and happiness of the community in which he lived, or the reputation of his family and his friends, would place himself in a position so unenviable. I take office from the hands of the people; the district elects me a judge, and am I to be removed from office by the vote of a bare majority of their representatives? Whether it be for good causes or not, let him be removed, and there is a plague spot, a stain, a disgrace, fixed upon his reputation for all time to come. And no man having self-respect would, as I conceive, receive office so trammelled.

I was very much pleased with the gentleman from Henry, and with a good part of his speech, but I do think he rather contradicted himself. But he is not like an individual who tells you, if he does not succeed in a motion, he will go against the constitution. He is an advocate of constitutional reform for the sake of constitutional reform, and if he can better the constitution in any one particular, he will go for the new constitution heart and hand, although all the little notions he may entertain were not adopted in it. This, I conceive to be the right spirit, which the people intended should operate upon all of us when they sent us here to frame a new constitution. Why do the people in one county believe that they are going to get a constitution made exactly as they would have it? Do they not know it must be built up, and framed upon that principle of mutual concession so essential to framing a basis for any government. I shall be with the gentleman, if any essential change, which is desired by the people in their organic law, be made, whether the one particularly favored by the people I represent or not. I go for the new constitution, on the ground that the condition of the people will be bettered, and that one improvement, at least, on the subject of government, the most important subject that relates to mankind, has been made. I am for having the power returned to the people to elect their officers. I will sign and vote for the constitution, if that power be refused, and the legislative department shall be regulated as the people desire; and I will use what little influence I may have to induce others to go with me. I think with the gentleman from Henry, and his very countenance is an index of his honesty on another subject, and that is, that it was made manifest during the discussion of this subject, that the votes in favor of the proposition of the gentleman from Nelson, as indicated in this house, will be few and far between. I think they should be few and far between, for if we desire to sap, and blast, and ruin the very foundations of the government under which we live, it does seem to me that we could not more effectually do it than by incorporating in the constitution the feature proposed by the gentleman from Nelson.

One word in reference to a remark of the gentleman from Mason. It seems the gentleman has lived in different states. He tells us he has lived in a state where the legislature by joint vote are permitted to determine who shall administer the law; and I was surprised to hear the gentleman say it was a happy mode. Of all the modes presented to my mind, that by joint vote of the two houses of the legislature is the most objectionable. It is, in my opinion, obnoxious to the most serious and powerful objections. I believe that the people are capable of electing persons who will discharge the duties of judge with ability and fidelity. Where they have an opportunity to know the individual, the appointment will be a good one; they will select such persons as are worthy to be entrusted with the important interests which must necessarily be confided to a judge.

Now I merely desire to state why I object to the principle which is recommended by the gentleman from Mason.

The people of the county where I live, desire by their free suffrages to call in some man to act as judge; but you provide by your constitution that he shall be elected by joint ballot of the legislature. What follows? I desire to have a certain man elected. A member of the legislature from another county, desires to secure the election of a particular individual to a similar office in his county. He says to me you go for my man and I will go for yours. If there is no judge to be appointed in his county there may be some object for which he desires an appropriation of money. The result is the same. We enter into an alliance for mutual support and assistance. No sir, it is one of the most corrupt modes by which appointments can be made; one of the very worst systems in my opinion, that could be adopted in any country. The stream of justice should be kept pure and unadulterated. The people themselves whose interests are so deeply concerned should be the appointing power. They are interested in having the best men that can be selected for judges, and they will take care to select such.

Well, sir, there is another point connected with the subject under consideration, to which I will for a moment advert. I think we were admonished the other day that at the proper time a motion would be made to strike out of this report the feature which requires that some test of qualification shall be required of those who present themselves for election to the office of judge. The propriety of such a provision has been already adverted to by some gentlemen who have taken part in this discussion; and for myself, sir, I give notice now, that I am in favor of it. I design to go for protecting the people against imposition and fraud. No man should receive the appointment of judge who is not learned in the law, and who is not in all respects properly qualified to discharge the duties appertaining to the office. Being learned in the law is, I apprehend, a very essential qualification, and there ought to be some mode of determining this point, beyond the mere *prima facie* evidence that you have seen him engaged in the practice of the law. It must be evident to gentlemen that it is desirable that the candidate for judgeship should be able to certify the electors of his qualifications. This must strike gentlemen as being necessary and proper for the safety of the community, that the people may know into whose hands their interests are to be intrusted.

Gentlemen agree that there ought to be a certain age fixed at which a man may be elevated to the bench; and another requirement should be a certain number of years' practice at the bar before he is made eligible. But, gentlemen say the people are capable of self-government, and in consequence of the people being capable of self-government, no qualification is necessary to be fixed for those who are to hold office under appointment by the people. Without the insertion of these provisions, I think gentlemen will find that their constituents will not be satisfied. I told the people in the county where I live that if I should be elected to the convention I should be in favor of these tests of qualification, in reference to the judges, and also in reference to the clerks of courts. But when a man presents himself before the people for the station of judge, the mere presentation of a certificate will not be sufficient evidence of his qualification. It is a fact that is well known that there was a time when in Tennessee there was no test, I believe, required on the part of a candidate for a clerkship. Well, sir, a fact came under my own observation in relation to the conduct of a clerk—it may be an extreme case, but still many such cases have no doubt transpired—which shows most conclusively how far we may be from shielding and protecting the rights of those whom the gentleman so fondly calls the people, if we adopt this constitution, and permit A. B. or C. D. whether ten years of age or older, whether instructed in the duties of the office or not, to be elected clerk. Under such a system the man who can best flatter the people is the man who will be most successful. He will be certain to be elected without any test or qualification. This will be but opening the door for the demagogue—the man who loves himself better than he loves the dear people.

I had occasion to call for the record of one of the counties of Tennessee; I sent to the clerk of that county for a copy. What think you the clerk did? Instead of sending a copy of the record, he was so well qualified for the high station he occupied, he was so well informed of his duties, that instead of the record he sent an entirely different document. That clerk was elected under this system, of which I have spoken, without test of qualification, or fitness for office. And I will tell you how it happened that he was elected. I am but a poor historian, but I will give you an outline of the case. There was a war commencing in Florida; this man started for the war, but he did not get there. The circumstance of his having started, however, gave him so much popularity that they made him clerk. Why, the very rights of the people themselves depend upon the qualifications of the public officers. The people are capable of judging of the qualification and fitness of candidates for office, when they have the means within their power; but if you withhold from the people the means of judging, it cannot be expected that they will be able to make suitable selections. How, in the name of common sense, can the people elect a proper officer, unless they have the means of judging of his qualifications? Will they vote for a man because he happens to belong to one party or another? Very likely they might in such a case as that of the clerk of the court in Tennessee, to whom I have referred, who had started for the Florida war, and thus had acquired a degree of popularity.

But it is the duty of this convention to provide the means of judging of the qualification and fitness of candidates for office. The people are not to be deceived by flattery, by being told they are capable of self-government. That is an axiom, of the truth of which they are well satisfied. The feature which the committee desire to have retained in the constitution, is the very guard which the people want. Strike that feature from the constitution, and they will have no guard, no security, for the proper discharge of the duties of the judicial officer. It is that feature which they desire should be retained, so far as I am acquainted with the wishes of the people.

If the legislature are the people, why may we not with equal propriety, say that the judges are the people? The members of the legislature, according to my apprehension, are agents of the people, and they are agents who frequently abuse their trust. The judges, over whom the legislature is to sit as a kind of inquisition, the judges themselves, are the agents of the people. Let the people elect them. Let the people elect every officer, from the judge of the court of appeals, or from the executive down to a constable. Every officer of the government is an agent of the people. Does it follow that he is the people? But gentlemen tell me that a majority of the legislature ought to have the right to determine for every district in the state, who shall be judge, and who shall not. To this proposition I can never agree.

Mr. TRIPLETT. I do not rise to make a speech, but I want the ear, for a moment or two, of the honorable delegate from the county of Nelson, and I also, for a very few moments, desire the attention of the members of this convention, and your own. There are two propositions that were made by the gentleman from Nelson, and provided such explanations are given by him, as I have no doubt he is fully capable of giving, and such promises are made by him, as he is fully capable of complying with; if these explanations and promises are given to myself and the committee, I shall vote for the first proposition; without them I shall not vote for it, and I believe the committee will not.—For the second proposition I shall not vote, on any account whatever, for the reasons which have been given by gentlemen who have participated in this discussion, which reasons I will not repeat, because it is not worth while to repeat what has been better said by others. But as no gentleman has turned his attention to the first proposition, I desire to advert to it for a moment, for I consider it of the utmost importance. It establishes a principle which I am in favor of, if we can carry through the whole constitution. But I am not willing, and I do not believe that a solitary member of this committee is willing, to adopt that principle in this particular place, unless it can be carried through the whole constitution. We are all aware that it is necessary that we should be extremely careful that all the parts of the constitution shall harmonize—that they shall not only fit well together, but work well together, and that no one part of the machinery shall conflict with another. The proposition to which I now refer, is that for striking out the words, "which shall not be sufficient ground for impeachment." If it be intended to retain in the new constitution the whole of the fifth article of the old constitution, these words ought to be stricken out. I see around me several gentlemen who were members of the old legislature. The gentleman from Henry is one of them, and the gentleman from Nelson, Mr. Hardin, is another. The first gentleman has declared that he has travelled in his literary researches as far as Dilworth, and the other gentleman has advanced as far as words of three syllables; but these gentlemen, if they have not read their political spelling book, have at least read the book of mankind, and they know what it is that the people expect. They know, or ought to know, that every species of special pleading should be avoided in a document of this kind—that it is necessary that we should make our meaning clear. I want to leave as little as possible for legislative or judicial construction. What we do I want to do so plainly that the different departments of the government may not only read it as they run, but understand it well and easily. Now, leave this clause as it stands, without striking out the words referred to, and this question will occur frequently.—There is a certain class of acts which amount to malfeasance, others to misfeasance, and others to nonfeasance in office. A man has done a particular thing that he ought not to do, or he has omitted to do a thing he ought to do, about which acts there may be cavilling as to whether they fall under the class of cases to which impeachment applies, or whether they come under that of address. I know on one occasion such a question saved a man from being turned out of office. It opens a door by which men of tender consciences evade the responsibility of voting directly upon the question of a man's culpability. It raises a doubt by which men of strong consciences or no consciences at all, can escape the consequences of their misdeeds. To put it in legal phrase, which will be intelligible to every body, they demur to the case set out on the motion for the address, on this ground—that it is not cause for address, but cause for impeachment, and that you must not put it in the form of an address. Why? Because it is a higher, a worse, a blacker crime than that which, by the constitution of the state, is authorized to be made cause of removal by address.

I acknowledge sir, that this is a very strange reason, and it would be a strange reason to an undisciplined mind; but the greater should always include the less, and if the judge had committed treason, larceny, or arson, or any capital offence, and the moral sense of the community was satisfied of his guilt, yet one of your men of tender conscience may say it is not good cause for removal by address. I want to get rid of this objection. Gentlemen can imagine a thousand different cases in which this objection might be raised. If you think proper to give the power of impeachment, put in the necessary words for that purpose and you will have all that I aim at, and that is, when a civil officer of the government has been guilty of such high crimes and misdemeanors as to require impeachment, impeach him if you think proper, but the impeachment of a civil officer has in this country become almost unnecessary, and indeed almost impracticable. If a judge fail to attend court for such a length of time as to make it evident to the legislature that his conduct amounts to nonfeasance in office, it might be cause for impeachment, provided sickness or other legitimate reasons for such absence be not proven; but you may remove him by address, although his absence had been occasioned by sickness or physical disability. Retain then the 5th article of the old constitution, and add to it, and every evil or inconvenience that has been predicted will be avoided. I cannot agree to go so far, as to strike out the two-thirds principle; but without going into that question at present, I will only ask the gentleman from Nelson, when he comes to reply to the arguments that have been advanced against his proposition, to answer this solitary question: was not the two thirds principle originally inserted in the constitution of this State, and in the constitution of the United States, as a matter of compromise between requiring the verdict of the whole jury to decide the facts on one side, and the majority of the court to decide the law on the other, and whether when the legislature meets and has to remove a man by address, they are not occupying the position of both a jury to decide the facts, and the court to decide the law,—whether this principle was not put in as a compromise in consequence of the mixture of the character of the court, having to decide touching the law and the facts—between the two extremes, of requiring only a bare majority of the court on one side and the whole of the jury on the other? Has it not worked well? Tell me a solitary instance where it has failed upon address, although gentlemen can find a hundred instances where it has failed by impeachment. There is the point. I am in favor of striking out the words proposed to be stricken out.

I am averse to detaining the committee longer, for there are many gentlemen who are desirous of giving their views, and who seem to think our sittings are too brief. My own opinion is that we would get along faster, if we were to allow the committees to do more work.

Mr. C. A. WICKLIFFE. I will state briefly what the views of the committee were. They, in the first place, believed differently from the gentleman from Daviess, that no officer should be removed by address or impeachment upon mere rumor. I understand the gentleman to state that cases might arise, cases of high crimes and misdemeanors, and although the legislature may be satisfied that the crimes were committed, yet in the absence of direct proof of the fact the party cannot be removed.

Mr. TRIPLETT. As this is a matter of importance, I wish it to be clearly understood. What I wish to know is, whether it is intended by the committee that an officer shall be removed for something which is not a fact to be proved by testimony. If this be the intention, let it be done; but if you intend to remove the judge upon facts that require the testimony of witnesses, in the name of Heaven go through with the address in the same manner as you would with an impeachment. Give the accused notice in writing of all the facts you intend to prove against him. Let him be heard at the bar by himself or counsel and let him produce witnesses for his defence. Give him the benefit of all the means of defence when you propose to remove him by address, the same as you would if the form of proceeding was by impeachment. I desire to ask both the gentlemen from Nelson, one as the mover of the amendment, and the other as chairman of the committee, whether if you retain the fifth article, you intend to grant to the judge under the address all the means of defence that he would be entitled to under impeachment. If you do this, you will have made a most salutary reform.

Mr. C. A. WICKLIFFE. I think that I did not misunderstand my honorable friend. The object of impeachment is not only to get clear of the officer, but also to disqualify him for the future from holding office in the community. The committee did not design, in giving the right to the legislature to remove by address, requiring the usual number—two thirds—to lessen the rights of the accused or to enlarge the privileges of the accuser—the commonwealth. That no man should be removed unless there be sufficient proof of the facts alleged against him, nor shall he be removed upon a charge which is but partly proved. If I understand my honorable friend, his objection was, that for any offence which was punishable by impeachment, the triers of that impeachment, when called to exercise their functions under the solemnity of an oath recently administered, would, like a jury, require proof before they would convict the individual. But he may be guilty, says the gentleman, and there may not be sufficient proof to satisfy a court, or the constituted tribunal, yet enough to satisfy the minds of the people, and that you will convict him upon mere rumor propagated by his enemies. That is the gentleman's position if I understand it. The gentleman divides the offences for which officers may be removed into two classes—into such as are *mala in se*, and such as do not amount to crimes. It is upon this latter class that the removing power by address is intended to operate, and in cases of trials or misdemeanors, the mode of proceeding is by impeachment, therefore I was in favor of retaining the impeaching power.

Mr. TRIPLETT. Sir, although I know there is an impropriety in this conversational mode of debate, yet I must be excused for a single moment. No man supposes that it was intended that an officer should be tried without an oath on the part of those who try him, and notice of the accusation that is made against him. I cannot believe that my honorable friend from Nelson is unable to comprehend the distinction that I take. Suppose a judge gives a decision which is so perfectly absurd, that you see he is incompetent to discharge the duties of his station, there you want no testimony to prove the fact. It is matter of record. But when you accuse him of felony, when you accuse him of any crime, then it is necessary not only that you give him notice of the accusation, but that the senate shall be sworn as well as the lower house. All these things might confuse the minds of a jury, but they cannot confuse this house. There is a distinctness of understanding on the part of gentlemen around me, which convinces me that they cannot be confused. Why then go another step and say they shall be newly sworn? Swear them every morning if you wish. That does not touch the point of my argument. This thing of removing men by address is a serious matter, but it is one which becomes necessary sometimes, and shall we not take the trouble to lay down the necessary preliminaries so that it may be done correctly? It is only writing a few lines further, and saying at the bottom of a paragraph, that each house when sitting and adjudicating upon an address shall be sworn, and prescribe the form of oath. I think the propositon made by the gentleman from Nelson (Mr. Hardin,) ought to succeed, provided it is particularly guarded, and I leave in his able hands the duty of properly guarding it.

Mr. HARDIN. Were it not that an expectation is entertained in this house that I should make some reply to what has been said in opposition to the proposition which I made, I would not address the house now or at any other time on this question, because I discover, sir, that I am in what may be called a very small minority, and it is somewhat unpleasant to travel in such company. I rise, however, rather for the purpose of disabusing myself from some remarks, though not of a personal character, and not for the purpose of making a set speech. Before I do that, I will make this preliminary remark, that for five years back I have been exceedingly anxious for the call of a convention. I discovered that great abuses had crept into our government—very great abuses—especially in the appointing power, and that in the language of Jefferson, "power is always stealing away from the many to the few," and that it has been emphatically stealing away from the people of Kentucky; and like boys playing "eat or corner ball," when the ball is lost they stop and cry out "lost ball." I was ready, for one to stop legislating and cry out "lost ball." One great object that I had in view, in advocating the call of a convention, I felicitate myself will be fully attained, and that is that the appointing power will be restored to the people where it originally and of right belongs. When I attain that, I will vote for almost any thing that this house may be disposed to insert in the constitution. I did not like from the start the proposition that is now before this committee, and I hope I may be indulged while I recapitulate the new and substantial provisions contained therein, and as I go along I will point out some of the objections that I have to them. The first principle is that the judges shall be elected by the people; I heartily go for that. The next proposition is substantially, that the judges shall not be removed by address in any case that is the subject of impeachment. I am rather opposed to that, but not particularly wedded to my opinion. The next great principle is, that it shall require a vote of two thirds to remove a judge. Well, sir, I am against that, as I intimated to this house a week or two ago; yet that would not be a *sine qua non* with me, if I could get some other alterations made. I want—whether it be a majority or two thirds of the legislature, that shall have power to remove a judge—that the passage of the resolution shall be *ipso facto*, the removal of the judge, and that the governor shall have no hand in it afterwards; because if we were to pass a resolution, unless there was some provision of that kind inserted, he would veto it, and there is no provision by which we can pass the resolution, his veto notwithstanding. It will be remembered by delegates in this house that the legislature of Pennsylvania attempted to address a judge out, and the words employed in their constitution were, "the governor *may* remove." The legislature passed the resolution by a large majority of both houses and laid it before the governor. He refused to remove the individual, and the legislature entered upon the labor of expostulation. They contended that the word "*may*" was synonymous in the sense in which it was used in that place with "shall." The governor returned this insolent answer: "You say the word "may" means "shall;" I say it means "I will not." He then went on and said, "You do those things which you ought not to do, and you leave undone those things which you ought to do, and there is no health in you." That was the language of the governor of Pennsylvania.

I am in favor, whether you require a vote of two thirds or three fifths or a bare majority, of removing the individual without the intervention of the governor at all. The governor has no hand in the election of a judge, except by his vote as a private individual, and I am not for applying to him, as governor, to sanction what the legislature has done.

Well sir, I am willing that the eight years principle shall be retained in the bill, provided you introduce in it the principle of ineligibility after that time. If they are to be re-eligible, let their terms be as in Mississippi, for but four years; and let the re-eligibility only continue for two terms. But I would prefer a term of eight years, with ineligibility for at least four, five, six, or eight years more.

I do not know that the court of appeals would be placed in a position in which they may exercise any undue influence upon the voters. But take the circuit courts—and I imagine that we are to have twelve judicial districts, embracing perhaps eight or ten counties each, in which may be included some fourteen or fifteen thousand voters—and imagine to yourself a judge on the bench, who is looking, if you please, for a re-election. Imagine to yourself that he has the life of some member of a powerful and influential family in his hands, or the liberties of another member of a family of that description—and he may have a thousand cases of that kind before him—and I ask you if that is not a lever of power that cannot be resisted for one moment? What lawyer in the state can come in competition with him? None, none sir! I am in favor of a man, when he comes before the people, coming without the black cloak of a judge upon him. I am opposed to re-eligibility, and I want to say to this house, that if I could see the ineligibility principle carried out in this bill, with some other alterations, I would forego the proposition that I now make. I am making these propositions, because, take this bill as a whole, I do not like its provisions. I do not like the proposition for four judges. I have no recollection that we ever had four judges, except in that celebrated court called the new court; and I recollect very well that when I took the stump against that famous court, of all the weapons that I used that was the most powerful, except that of John Trimble's woman's saddle which he put in the mortgage. I have a deep-rooted prejudice against four judges, and I will state a case. The circuit judge, if you please, decides a certain principle of law. It comes up to the court of appeals. The four judges stand two to two in their opinions, and the decision below is sustained, because they are equally divided. Well, a case comes up in which the circuit judge has taken an opposite opinion; the court is divided and so it stands. That is what we call a beautiful uniformity of decision. Give us then a number that can agree; take three, five, seven, nine, or eleven, if you want to give us a number that can never be equally divided; but three judges have done our business very well for the last twenty or thirty years, I believe. I have but little fault to find with the court of appeals, and it was a fault that we all find, namely, that the governor was the appointing power. I want to give it to the people. Next, I always thought there was something of indecent hurry and haste in the manner in which these judges discharge their business. The higher court of the state should do its business with something like a measured gravity and dignity; yet their whole business has been accomplished in one hundred days of one year. And the moment they accomplish it they hurry off to accomplish other business—some to lecture on law, some to do one thing and some another. I do not know that I shall offer an amendment, or that it is practicable to make any alteration on that point. I am against four judges, because it will add to the expenses of the court some $1500, at least—$2000 if we fix the salary at that sum.

I am against branching the court. Branching the court will make it necessary to have four clerks, four clerk's offices, four clerk's records, four different sets of all the machinery attending the court. That will swell the expenses, perhaps, taking all together, some $500. But I have an objection still stronger. Where are you to locate these four branches? If you leave it to the legislature, it will be a bone of contention eternally. And when they are located, it will perhaps be in places where there are not to be found five law books. At all events they may be located at places where full and competent libraries for the court of appeals cannot be obtained. Well how many days will these branches have to sit? And how many terms are they to hold? Will they have four terms? If so, how many weeks and days will they sit at each? Say eight weeks, and I will soon show you that that will not do. There will be four clerks, four sets of records, four clerk's offices, at the expense of the state; there will also be four men to wait on the court, four men to make the fires, and God knows how much additional machinery will be required in these courts. But the great objection is this—will they in any term in the year be able to do the business? Some gentlemen tell you that if you divide the business of the court of appeals into four parts the judges can do the business. But do you not know, and I appeal to every lawyer in this house, that if you branch it the business will be doubled and trebled. Did you ever see a neighborhood where there was no court house within twenty miles? How peaceable, and quiet, and civilly disposed towards each other they were. Make a new county and bring a court house to their doors, and every man begins to pull his neighbors hair the wrong way, directly in the shape of a law suit. Bring up a branch to any place, and I can safely say that I can point out some five lawyers that can take more business to the court than it can do in that part of the year allotted to it. In Mississippi—I went there in 1837 and 1838 with a view of practicing there—it was known that that was the case, and they presented me with a set of rules to sign; and it was a regulation of fees, such as a per centage for collecting, and a half per cent. for getting continuances. Now a great deal of the business will be exactly of this kind. You double and treble the business, and throw into the court, where it only sits once a year, so much that the court will soon get behind hand. It will soon be found that the great business of the lawyers will be to get the fees by continuances.

I recollect that when I practised in Green, a

very worthy lawyer, Sam Brents, the half of whose business was getting continuances, of which he obtained the fees; and I have known him, for the purpose of getting a continuance, to speak four hours on the point, whether *at* the court was equal to *in* the court. I am against this proposition; and I am against the proposition that we shall vote for these judges by ballot. I am in favor of the *viva voce* vote for every officer in this commonwealth; and I do not subscribe to the reasons suggested by my colleague, that the judges ought not to know who voted for them, lest they may wreak their vengeance upon the men who voted against them. If that be the case, the public feeling in this country is in a most deplorable condition, to say the least. But if a judge wants to play that game, cannot he very easily find out who voted against him? The gentleman and myself can go into a crowd, and without asking a man, but by merely shaking hands with him, we can tell whether he will vote for or against us. A candidate has a hundred ways by which he can find it out. I recollect when I run for congress in 1835, I met a very worthy man on the Sunday evening before the election; he shook hands with me, and said where are you going? I am going to Taylorsville, said I. Are you going to be there to-morrow, while the election is going on? I answered yes. I vote at Bloomfield, he added. Yes, said I; and I hope you will take all your friends with you, and get them to vote for me. A week or two afterwards, I again met him, and he said to me, how did you know that I was going to vote for you? Just from the manner in which you enquired where I was going. I knew you felt interested in my locality the first day of the election, and that was enough for me. But if I cannot ascertain it in that way, it would be very easy for me to ask one man to enquire from another, how he voted, and thus I can soon find out. But I will not indulge the opinion that in this country men will be afraid to vote, and to avow their sentiments, for fear of the wrath and indignation of the judge; and I am unwilling to believe that the judge would exercise it. When I come up to vote, I am not to look at the judge through a smoked glass, as they do at the sun, when it is about to be eclipsed. We are not to have any man here that we are afraid to look upon. My worthy colleague well knows that the people are not afraid to vote. We have been candidates too often not to know that our best friends, who do not agree with us, will come and vote against us, and look us fairly in the face, and be friends with us afterwards. In counties where there are large landholders—men holding perhaps half a county—there may be tenants that it may be necessary to screen from the wrath and indignation of their landlord, when he knows how they vote. In counties too, where there are large manufacturing establishments, and where a man can control the votes of a thousand operatives, it may be necessary to protect them; but in this country, above all others in the world, we ought to be the last people afraid to vote. The first objection which I made, was, as pointed out by my worthy friend from Daviess, (Mr. Triplett.)

If the gentleman will turn to our constitution, he will see that it is only a misdemeanor in office, that is a ground of impeachment under our state constitution. But in the constitution of the United States, the power of impeachment extends beyond that:

"Art. 2, Sec. 4. The President, Vice 'President, and all civil officers of the United 'States, shall be removed from office, on impeachment for, and conviction of, treason, 'bribery, or other high crimes and misdemeanors."

A man in the government of the United States may be impeached for treason, and felony, and other high crimes, and misdemeanors, that remove him from office. When you come to the State of Kentucky, it is only upon misdemeanor in office, as to the court of appeals. And when it comes to a justice of the peace, they can be removed by impeachment for any offence, or they can be addressed out:

"Art. 5, Sec. 3. The governor and all civil 'officers shall be liable to impeachment for any 'misdemeanor in office; but judgment in such 'cases shall not extend further than to removal 'from office, and disqualification from any office 'of honor, trust, or profit, under this commonwealth; but the party convicted shall nevertheless be liable and subject to indictment, trial, 'and punishment according to law."

Any thing he can be impeached for he can be removed for; but a justice of the court of appeals cannot be removed unless for misbehaviour in office. A judge of the supreme court can be removed by impeachment, for bribery and other high crimes and misdemeanors which do not relate to the office. A judge of our supreme court can only be removed for misbehaviour in office by impeachment—a justice of the peace for all the catalogue of offences that can be committed by man for which he would be worthy of removal. I see no reason in the world why there should be that difference. If a man is guilty of misbehaviour in office, why not give the opportunity to address him out? Say he is guilty of gross oppression or tyranny in office, are we to get at him in no way except by impeachment? How many ten thousands of oppressions and misbehaviours are there of which a judge may be guilty; and I ask if there is no way to reach him but by impeachment? What is an impeachment? Who starts an impeachment? Why some man in the country; or an address may be prepared and carried on by some member of the legislature. We know, as a matter of experience, that the resort to impeachment is impracticable. The people are cowed and afraid to undertake it. I recollect once that some of the officers of the banks in the District of Columbia pointed out to me how Mr. Dallas, then Secretary of the Treasury, had swindled the government, on a loan, in favor of his son-in-law, Bache, out of $1,250,000. They showed me the book where his son-in-law had subscribed for or bought up $13,000 at eighty seven and a half cents on the hundred for stock—for that was the price during the war. And he had been permitted to pay in the whole ten millions in that way; although at the time he paid it in the war had closed, and the stock had risen to par, enabling him to realize twelve and a half per cent. on the ten million loan. This I say they pointed out to me, and it is in a book which I will never part with in the world. I pointed it out to Mr. Randolph and he attacked Mr. Dallas. Some gentleman from the other side of the house cried impeach him, and Randolph replied, I once tried that against that corrupt Judge Chase and it would not do, and I will try it no more. And then he said this—When I was a boy I read some book where the rats held a great convention to devise the ways and means to get clear of the cat, of whom they stood in fear. At last they agreed to put a bell round the cat's neck, but when they came to the last question—which rat would put the bell on the cat—there was none found willing to do it, and the whole business fell through. No rat could be found to bell the cat. And so it would be with impeachments. Burke, Fox, and Sheridan, tried to bell the cat, Warren Hastings, for a series of oppressions unparalelled in the history of the world, but they failed after a trial of fourteen years. The ministry protected him—the Queen took his wife by the hand to her crowded levees and parties—and the King protected him and the prosecution failed. Since then an impeachment in the House of Lords, has been considered a perfect mockery. I look upon the whole doctrine of impeachments as a perfect mockery and insult upon the people. Where is the man that was ever impeached out? You (pointing to Mr. C. A. Wickliffe) tried it with Judge Peck—you, and others of as great talent, tried it and failed by one vote. You know, as far as you are concerned, that it is a mockery. You labored in such a way as to entitle you to great credit, and so did your collegues in the house of representatives, but they all failed. Chase was one of the judges of the supreme court of the United States at the time that John Adams was in office, and congress with his aid and assent passed the Alien and Sedition laws, which roused the indignation of the people of the United States in all its length and breadth. Chase was the man who played the same part to John Adams the elder, that the infamous Judge Jeffries did to James II precisely. They were a pair that were worthy of each other, and they were as tyranical a pair as were ever on the bench in the world. The people of the United States, however, with one united voice nearly, hurled John Adams from the presidential chair and put Jefferson into it. But the whole federal senators remained, and when Chase was impeached for his misbehaviour in office, and for all his tyrannies and course of oppression, in office, the federalists attended to a man. If you were ever in congress at the time you know how they sat. I had the misfortune or good fortune to be there during a little of the time. There they sat on one side of the house, the federalists dressed as the Duke of Wellington or the Marquis of *Whitewash*, or any other distinguished nobleman, with their heads all powdered. On the other side were the republicans in their plain clothes and no powder. On the trial of Chase the fine dressed federal senators, to the number of fifteen, against nineteen of the finest republicans the world ever saw, saved that old tyrant; and that as Randolph said, was enough for him. While nineteen republicans voted against Chase, fifteen old federalists, in their fine clothes and powdered heads, voted for him because he had been serving their cause during the administration of Adams, and they kept him on the bench. That is what they called obedience to public sentiment I suppose. They knew that four fifths of the whole nation were republicans at the time; but those federalists, who were elected during the reign of Adams, held their seats, with some additions from the New England states; and those fifteen saved him. I consider impeachments of no use at all. There is only a procrastination and expense in it. Nobody will undertake it, and the only remedy is an address to both houses.

Well how is an impeachment tried? There are sixty senators; and of these, thirty one is a quorum. Two thirds of that number is all that is necessary to convict a man—that is twenty one. But how is an impeachment tried in the Senate here? There are thirty eight senators, of whom twenty is a quorum, and two thirds of that number is fourteen and that fourteen may convict. Now fourteen is six less than my amendment presents to this house.

If an address of the majority prevails, it will be, if the number should remain as it now is, twenty senators and fifty one representatives. By impeachment fourteen senators have the power to remove a man. The constitution is based on that theory. I know that in common, and in perhaps ninety nine cases out of a hundred the whole senate will be full; but the government is predicated on the theory that fourteen senators out of thirty eight can break a governor if they choose.

Now what is this dangerous proposition that has excited so much opposition? From every quarter of this house has opposition sprung and all seem to be astonished that I have the temerity—I had almost said the audacity—to bring it forward.

What is the proposition? If we are to have one hundred members in one house, fifty one which is a clear majority of all elected, with all absentees counted against them, will be all that is necessary. If the senate consists of thirty eight as at present, then twenty will be all that is necessary in that body. But there must be twenty, because the proposition is that a majority of each house, which means a majority of all the members to which it is entitled, shall be required. Then where is the difference between us? You say two thirds, that is twenty six senators and sixty seven representatives. We on our part, the small band that went to Thermopylæ, and will I hope, again, if we can bring it before the people, say twenty in one house and fifty one in another. You say twenty six in one house and sixty seven in the other. And after that, you meet the argument precisely in the same way, by crying out revolution, revolution, as Cromwell did, when he cried out Sir Harry Vane, save me from Sir Harry Vane. Is there any thing more revolutionary in our proposition than in yours? The only difference in the two propositions is in regard to these numbers, differing to the number of six in one house and sixteen in the other.

Gentlemen ask, shall the judiciary be at the mercy of the legislative department. Well who is to try the case, if it takes two-thirds? The same body? The same body precisely. If the proposition was to have a different department of government to try, then the gentleman's argument would be sound; but when it is the same department, the legislative department, we see that the difference is in the number only, which is necessary to convict. I ask now is it more revolutionary with us than with you? How is it to oppress the judiciary by the legislature in one case more than in the other? Gentlemen say that the Polish manner will be taken, deciding that one vote is a sufficient negative, till one man can cut off a member's head. There is then, nothing in the proposition to alarm any body. It is only a question (not that another department, but the same department shall try) whether it shall be twenty in one house and fifty one in the other, or twenty six in one house and sixty seven in the other. If our doctrine is revolutionary so is yours, gentlemen. If our doctrine is that the legislative department shall be called on to decide on the judiciary, so is yours. It is only in reference to number that we differ. I want the legislature, the senate, and the house of representatives, to take the attitude of a high court of judicature, and hence I do not want the governor to have any connection with it or any veto upon their action. I want to have it possess the dignity and the solemnity so far as practicable, of a high court of judicature, by giving to the accused the right of being heard by himself and counsel, that it shall not be a mere hasty thing, as was caught up against Judge Clarke under the excitement of the moment. But there shall be two branches acting separately, and they shall assume the high character of a court of adjudication, and the governor shall have no hand in it, but the accused may be heard by himself and counsel. I ask gentlemen, are not our judges to be responsible to the people in some way? Do you mean to make them entirely irresponsible? If responsible, how are they to be? Can the people come here, one hundred and fifty five thousand voters, according to the census, in this or any other place to try and remove a judge by impeachment? You must make the judges responsible through some agents that they may designate. Whom will the people designate? Is it to be the governor? God forbid! Who then? To the people through the senate by impeachment; the whole people of Kentucky through their representatives, taking both houses together. Who represents the people more immediately than any other? You say the governor does. Yes he does. Who ought to do it? The senate and house of representatives, who come immediately from the people, from one end of the state to the other, from the mouth of Big Sanday to Mills' Point, and from Louisville to Cumberland Gap. I say there cannot be a tribunal better selected, more proper, and more amenable to the people than the house of representatives and the senate.

We must adopt that system. We are obliged to make them responsible to the people in some shape. They cannot be responsible to the people individually, and therefore they must be responsible to their agents, and who so proper as the senate and house of representatives? Away then with the argument that you put them at the mercy of the legislative department. A few days since a gentleman gave us an instance of the new court, and perhaps he will give us another of Judge Clarke. That occurrence has happened once since the formation of the government in 1792, but I hope and trust in God it will never happen again. A bad course of legislation in 1819, by chartering a set of independent banks, and thus flooding this country with paper, produced an inordinate spirit of speculation, and got the whole state into debt. You had no laws to protect a poor man's land from being sacrificed as you have now by the two thirds principle, and of exempting a poor man's bed or cow, or only working beast from seizure and sale. Constables and sheriffs were going from place to place through the land, and there was no safe-guard that the land should be sold at the court house door. None. Sheriffs and constables were going through the land, and selling as I know, valuable lands for one-fiftieth of their value. I know of ten thousand acres that were sold for one hundred and twenty dollars, and the sale was confirmed in the court of appeals. I know a thousand acres, worth four or five thousand dollars, sold for four dollars, and the sale was good. I know another case of fifteen thousand acres, that belonged to an uncle of mine, and which had descended to his heirs, sold for ten dollars. Sir, there was a parcel of merciless speculators following the sheriffs and constables of the country, like carrion crows, buzzards, and vultures, following a marching and fighting army to prey upon the bodies slain in battle, or those who might die by disease, and the people were goaded on to madness. But I hope never to see such a state of things again. It is better that the people should succeed than that such a principle should be retained in the constitution. I did vote for the old court. I am one who, rather than be sustained by the trickeries of bond and mortgage, would live in a worked-out saltpetre cave. I fought for the old court, and I saw the sufferings of the whole country. The legislature in its wisdom has surrounded the poor man with the protection of a two-thirds principle, and exemption and sale at the court house. We are not to reason from extreme cases, as that of Judge Peck, or the extreme case of Judge Chase, or of Judge Clarke, in the old court, but we are to settle on the general rule, on the safe principle based on the common occurrences of all good governments. That is what we ought to settle down upon now. I ask what is the theory of our government, and what is the theory of all republican governments? There are but two kinds of government. None but two. Some are called the government of the Grand Turk, some the government of the great Emperor of all the Russias, or the Emperor of Austria, the King of Prussia, the miserable little Bonaparte here now in Paris, and Queen Victoria with her royal spouse, whose father owned a little country that had sixteen hundred people in it, and we may go and look back to the aristocracies that existed in Venice, and in all there are but two. One is that of a minority controlling a majority, and the other, that of a majority controlling its own action; call it imperial, monarchical, or what you will, there are but two.

What is the theory of our government? Is it not that of a majority? Are you afraid of the majority? Are you to say the majority cannot be trusted—God save the majority from themselves, their foolish selves? Cannot a majority of the supreme court of nine judges be trusted to decide upon ten millions of property? Yes. Cannot a majority of a court martial decide on the high-toned honors of General Scott, or of General Taylor, if he were still a general? Yes. Cannot a majority in congress make a law?—They could if it was not for the president's veto. Cannot a majority of the legislature of Kentucky make a law, the governor's veto notwithstanding? Yes. Does not a majority in the court of appeals govern? Does not a majority in the county court govern? And if there were other courts would not a majority govern in them? Yes. But when a majority of the legislature come to try and fine for misdemeanors they cannot be trusted! This is the whole case.

I go for having the elections by the people, and then I go for practical responsibility. We all do. But then they say that practical responsibility is two-thirds, and I say that it is responsibility to a majority of the representative department. This is the only difference between us. We agree in the elective principle, and we agree in responsibility, but we differ in saying in whom that responsibility shall consist.

But when you come to the trial of an officer for misbehavior, a majority is not to be trusted. That is the whole case. I go for the election being with the people. All of us go for that. I go then for periodical responsibility. We all go for that. But then they say that periodical responsibility is two-thirds, but I say that it is no responsibility at all. That is the only difference between us. We concur in the elective principle, but when we come to responsibility, they insist upon the two-third principle, which I say is no responsibility at all. I have looked a little into this matter, as regards the practice in other states. The constitution of Massachusetts—and there are other constitutions which have the same provision—is in these words:

"Chap. 3, Art. 1. The tenure that all com'missioned officers, shall, by law have in their of'fices shall be expressed in their respective com'missions: all judicial officers duly appointed, 'commissioned and sworn, shall hold their offi'ces during good behavior; excepting such con'cerning whom there is a different provision 'made in this constitution: *Provided, neverthe'less*, the Governor, with the consent of the 'council, may remove them upon the address of 'both houses of the Legislature."

* * * * * * * * *

"Art. 3. In order that the people may not 'suffer from the long continuance in any place 'of any justice of the peace, who shall fail of 'discharging the important duties of his office 'with ability or fidelity, all commissions of 'justices of the peace shall expire and become 'void in the term of seven years from their re'spective dates; and upon the expiration of any 'commission, the same may, if necessary, be re'newed, or another person appointed, as shall 'most conduce to the well being of the Com'monwealth."

There the majority principle with the governor's concurrence, removes a judge. In the constitutions of New Hampshire and Rhode Island there is the same provision. In New York the judges are removed by impeachment, and the majority of the senate and a majority of the supreme court constitute the tribunal, and then it takes two thirds of this majority to authorize the act of removal. Indiana has about the same provision. We know one thing, that in Massachusetts they have a first rate judiciary, equal to any in America, and their constitution has been in existence ever since the year 1780, and we know that in New Hampshire and Rhode Island they have a good judiciary. In Rhode Island they are not only elected by the people, but they are elected every six months, and yet they have a good judiciary. So that the majority principle is not a new one. It is not new in Massachusetts, for it has been in existence there since 1780; it is not new in New Hampshire and Rhode Island, and as my friend from Fayette said, it is not new in Great Britain. Here is the British statute on the subject:

"All judges must derive their authority from 'the crown, by some commission warranted by 'law. The judges of *Westminster* are (all ex'cept the chief justice of the *King's bench*, who 'is created by writ) appointed by patent, and 'formerly held their places only during the 'King's pleasure; but now for the greater secu'rity of the liberty of the subject, by the 12 and 13 W., 3 c. 2, their commissions are to be *quam'diu se bene gesserint;* but upon the address of 'both houses of Parliament, it may be lawful to 'remove them."

A majority controls in the house of Lords and in the house of Commons. The judges are to be commissioned by the King and the appointing power is vested in him still; but the removing power, the responsible power to the people, is in the Lords and Commons. Not in two thirds, but in a majority of those bodies, and as the same gentleman obser ed, to secure further the power of the judiciary, as to its responsibility to the people, when a King dies, the judge's commission does not die with him. Under the statute of George III. he continues in office as long as he lives, unless he is removed for misbehavior. Are not impeachments in the house of Lords decided by a majority? Are not all laws passed by the Parliament of Great Britain passed by a majority? Does not congress pass all laws by a majority? Is there the two thirds principle in any part of the government of the United States? To be sure, it takes two thirds of the senators present to decide upon an impeachment, and therefore, twenty one out of sixty can remove a judge or any other functionary under trial. How that principle got into our constitution God in his mercy only knows. If my friend from Daviess comes to enquire of me, as he says he will, I must tell him to go further ahead. I can give him no information. I have looked at the theory of the British government. The two thirds principle is not there, nor does it prevail in the courts in Great Britain. If twelve judges are on the bench seven may decide. If an impeachment is tried in the house of Lords, a majority decides. The principle of a majority controls throughout in the British government. It controls throughout that of the United States, except in the removal of a judge by address, and I propose, or shall propose, that the judge be heard by himself or counsel, and that the governor shall have no hand in it, and that the legislature shall be considered as a high and dignified court of judicature.

Sir, this is an age of improvement. What was the condition of the world fifty years ago, and what is it now? What was known of the power of steam fifty years ago? It is not twenty years since a man in Kentucky drove his horses to the market in South Carolina, and driving along the turnpike where a railroad passed over it, and looking above, four or five cars passed over his head—his horses scattering in every direction, "my God," he exclaimed, "behold hell in harness." Forty years ago, the moving of a steamboat by night down the Ohio river, would have alarmed the whole western world. Ten years ago, would any man have believed that he could have talked to the people in Washington city and get an answer the same minute? We thought Franklin, the benefactor of the world, when he armed the world with the lightning rod against the thunder bolts of heaven. And now we call down the same thunder bolts, and send them as messengers to every part of the world. I recollect hearing a dispute between two ignorant men when erecting the posts for the telegraph which passes through Bardstown: one man said they could talk, on that line, to the people at Washington city in a minute. "It is not so,"-said the other, "God Almighty keeps his lightning to punish sinners, and He will never part with it in the world." Look at the history of the world. Behold the wonderful growth of the energy of Greece. See what power was developed in the Roman republic, and see how they were degraded the moment, the tyrant slipped in. What is Greece now? What was she an hundred years after liberty was driven from her border? Nothing. What was she during the palmy days of her republicanism?—the admiration of the world, and the world was hardly a match for her in battle, though she covered not ten thousand square miles at most. What was Rome after she lost her liberty? A great corrupt mass of the human family. And how the mind and the energies of man sunk, and how they became disordered and degraded. Constantine established the christian religion—it threw itself into the hands of the corrupted civil authorities and sunk mankind almost to the level of the brute creation. So much so, that a handful of naked Arabs, like to have overrun and conquered all the christian world. They conquered in Asia, in Africa, and in Europe, until the great battle was fought on the plains of France, and there nothing saved the christian world, if God had not said to the Huns be christians and march against the infidels, and they did march, and after three days hard fighting conquered. There was no energy or power at all, and the whole christian world was in a state of absolute slavery. How was it afterwards? The Saracen power went down, and the Turkish power stood up. They conquered the christian world again in Assia and Africa. They conquered the seat of christianity—Constantinople. They conquered Greece, Thessaly, Macedonia, Thrace, the country on both sides of the Danube, and were on the very point of conquering Vienna and the whole christian world in Europe, when the Poles, by the word of God became christians, and through their king, John Sobieski, saved it again.

How was it again when Martin Luther sprang up. Religious liberty walked abroad and the nations of the world improved in all the arts and sciences of war and civil liberty. And after the American revolution started and proclaimed liberty to mankind, the flame of revolution was caught in France by the boys who fought here in our ranks—Lafayette, Pichegru, Jourdan, Bernadotte and others. Liberty was then proclaimed, and how now does it stand over the world? We have to a great extent civil liberty and religious and political liberty, and what now is the condition of mankind? Can the heathen world ever overrun them again? Never! We have nothing to fear from the arms of the heathen world again! Nor will it ever be necessary to convert a heathen nation to save us again. The christian world through the influence of religions and civil liberty can conquer ten thousand heathen worlds, let them be no stronger than it is now. Gentlemen have spoken of the French convention. Well God bless the French nation, the French convention was a great thing. It was composed of a powerful set of men, and it struggled and was convulsed in its effort for liberty. Their king turned against them, and their queen and their nobility did the same. All Europe declared war against them, and what did the French convention do? They accepted battle with the whole united crowned heads of Europe, and in the language of Danton—"the gauge of battle was the head of a king thrown down." What a noble expression. And would to Almighty God, the Hungarians had thrown down as their gauge of battle the heads of the tyrants of Austria and Russia, and they would have roused mankind from one end of the world to the other. But they have succumbed and I would rather be at this day, the son of Kossuth, or of any of those who were beheaded, or who now are in jail, than the son of that vile traitor Georgy, who now is basking in the sunshine of his master's favor. Sir, mankind is equal to any emergency. When our revolution broke out how was it? Great Britain said—you have not a man in America who can command a company of regulars—you have no talents—but the moment we struck for independence, a thousand, aye ten thousand showed themselves on the theatre of action, both in the cabinet and in the field. Do you think the Almighty creates men for particular purposes? No, but it is the natural genius of men to resist slavery and bondage—and man walked abroad in his own grandeur and majesty. It was the occasion that made Washington and all the generals, and all the statesmen of that day. It was the occasion that made Massena, who fought fourteen years in the royal ranks of Louis XVI, and never knew what energy he had. So it was with Bernadotte who fought in our ranks. It was the occasion that made Massena and Bernadotte, Mirabeau and others. Say to the people that they are capable of self-government, and I will warrant you they are able.

It may be said, Hardin you are a demagogue. I am not, and every body that knows me knows that I am not. I have looked to the people for every thing, in a political way, that I ever received, with scarcely a single exception, and so have you, and you, and you, and you, (pointing to several delegates.) We have all looked to the people. Thank God, I do not know a man in this house, that has been a solicitor of power, except at the hands of the people; and I despise the man, that like a little dog, goes scratching at the door of power at about the hour of nine o'clock at night, and by his scratching gains admission. I never did that, and thank God, I do not believe there is one man in the house who has ever done it. We all look to the people, and we all desire to give to them the best government that is possible. Let us at the same time that we give a government to the people, give them one that will be acceptable to them. There is as much necessity to give them such a government, as to consult the wisest maxims that Plato could devise. I know it is difficult to frame a government for posterity, but let us give them the best one we can. I want the best constitution. I come to yield a great deal to the views of those who may not agree with me. If I get the elective franchise restored to the people, I shall have gained a great point. If I get the appointment of the judges for a limited number of years, and their ineligibility, I shall have gained another great point, and will take almost any thing after that; but I am not willing to take this bill as it now stands, in all its provisions. I introduce this amendment, intending to get something better, and I hope for that still. I have nothing to hope for in the political world, and where a man hopes for nothing, he has nothing to fear. I have spoken my honest convictions, the same that I held two years ago last winter, in this hall—the same that I held in every political speech I made. I do not know that I said the majority principle, but a more practical responsibility than the two thirds principle. I do not say that my colleague agreed to it; in fact, I have no recollection what he said; I had as much to do as I wanted to take care of myself. But I held this doctrine in the counties of Hardin, Spencer, Marion, Bullit, and Nelson, and in this hall, therefore, I play no demagogue.

I am sorry that I should in any way, bring down upon myself the rebuke of the gentleman from Graves. He is a worthy man, and I am told, is the brother of one of the fastest friends I ever had, and one of the finest men I ever knew, and I should be sorry that he should lock horns with me; and if he thought that I said I would not give a cent for the constitution, it was rather a slip of the tongue than otherwise, and if he please, I will modify what I said; I will do it at all events to avoid his opposition.

I have not been in good health as every body knows for a month, and if I could have avoided making a speech I should have done it, but I felt bound to do it. I know that I am to be in a minority, but if I knew there was not one man in this house, who would vote for it, I would vote as I shall now; and I beg those gentlemen who think as I do on this subject, to stand up like men, and maintain their views by their vote. Three hundred men fought more than a million at Thermopylæ, and let us, like the Spartan charging, sing the hymn of battle, and fight on bravely. I have but a few days to live in this world, and it is more my business to get ready to die, than any thing else. I will only mention that I have the authority of Mr. Jefferson, which is considered high authority, for this principle of a majority. He says:

"It has been said that the people are not com'petent electors of judges learned in the law. 'But I do not know that this is true, and if 'doubtful we should follow the principle in this 'as in many other elections, they would be 'guided by reputation, which would not err of'tener, perhaps, than the present mode of ap'pointment. In one state of the union, at least, 'it has been long tried, and with the most satis'factory success. The judges of Connecticut 'have been chosen by the people every six 'months, for nearly two centuries, and I believe 'there has hardly ever been an instance of change; 'so successful is the curb of incessant responsi'bility. If prejudice however, derived from a 'monarchial institution, is still to prevail against 'the vital elective principle of our own, and if 'the existing example among ourselves of peri'odical elections, by the people, be still mistrust'ed, let us not at least adopt the evil and reject 'the good of the English precedent; let us retain 'a movability, on the concurrence of the execu'tive and legislative branches, and nomination 'by the executive alone."

This two thirds principle has insinuated itself into our constitution, but I cannot tell how it got there. We know that in jury trials it requires a unanimous vote. This principle was wrested from the king by the people, so far as it regards the rights of persons. It is entirely *sui generis* and does not belong to this government. The theory of this government is, that a majority should govern.

Mr. C. A. WICKLIFFE. After the able vindication we have just heard, and in considera tion of the length of time we have been in session, it would scarcely be courteous to this house, nor would it be doing justice to myself were I to proceed in my remarks at present. I may desire to do so to-morrow, and for that purpose I will move that the committee now rise.

The committee accordingly rose, reported progress, and obtained leave to sit again.

The convention then adjourned.

TUESDAY, OCTOBER 23, 1849.

Prayer by the Rev. Mr. Norton.

Mr. HARGIS, who has been detained from the convention for some days by severe indisposition, resumed his seat this morning.

EXEMPTION FROM EXECUTION.

Mr. PROCTOR submitted the following resolution, which was adopted:

Resolved, That the committee on the legislative department be requested to enquire into the expediency and propriety of providing in the new constitution, a clause specifying the amount of property which shall hereafter be exempt from execution.

COURTS OF CONCILIATION.

Mr. IRWIN offered the following resolution:

Resolved, That tribunals of conciliation shall be established in every county by law; such law shall be general, and shall be of uniform operation throughout the state.

Mr. IRWIN said he wished that proposition to be referred to the committee on county courts. He was not satisfied how such a court as was indicated by that resolution would operate; but on an examination of the proceedings of the conventions in the states of New York and New Jersey, he saw that such a proposition was submitted to each of those bodies. The object of the proposition was to prevent litigation, and he had no doubt that every gentleman would have it much at heart to accomplish this. He had read that in Denmark there were 25,000 law suits in one year, which after the adoption of these courts were reduced to 10,000. They have also been established in Prussia and France, and, it was said, with good effect. He was not quite sure that these courts would suit this country, even if they could be carried into effect. It was said, he believed, that the people of the country could establish arbitrators for themselves, but he thought it better to establish such courts in each county for the settlement of small disputes that might arise. He wished to have this proposition referred to the committee on county courts that the convention might get the information which that committee would be able to furnish. He would read to the convention an extract from a report made some few years since to the New Jersey convention on this subject:

"In each town or precinct, two persons are 'chosen by the people, who sit one day in each 'week, for the receiving of complaints, issuing 'summonses for the appearance of parties at the 'next regular day of meeting, and for hearing the 'parties already summoned. The courts sit with 'closed doors, and none but the parties them'selves, or their special attorneys, are permitted 'to be present. The duty of the court is to hear 'the complaints and reply to the parties, and to 'endeavor to induce them to adjust their difficul'ties amicably. As an absolute rule, nothing 'that passes in the court is divulged by the mem'bers of it, and is forbidden as evidence in the 'courts of law. Should the attempt for recon'ciliation fail, the court grants to each of the par'ties a certificate stating that they had appeared, 'but did not reconcile their differences. Those 'certificates are required by the courts of law, in 'order to oblige parties to seek reconciliation.

"The fee of this proceeding is very trifling, 'and is paid by one or both of the parties, as 'may be decided by the reconciliating judges.

"Your committee suppose, that it is unneces'sary for them to say any thing in recommenda'tion of a tribunal so simple in its formation and 'so evidently useful, but they cannot refrain from 'calling the attention of the convention to the 'fact of the numberless cases which are subjects 'of lengthy, expensive and vexatious law suits, 'which have their origin in trifling differences 'between neighbors and friends, and which the 'amicable agency of a third party could recon'cile and put forever at rest."

He then continued to say, that he knew but little of the effect the adoption of such a provision would have; he had merely desired to call to it the attention of the convention, for if the object was to prevent litigation, it was certainly an object worthy of attention.

Mr. BRISTOW said, however highly he appreciated the object of the gentleman from Logan, as manifested in the resolution, and however desirous he was to carry out that object, he must protest against the reference proposed. He could suggest another reference which he thought would be more appropriate than the committee of which he was the chairman, which was principally composed of lawyers, and of whom it might be said, although they might profess a great desire to produce peace and harmony throughout the borders of this great commonwealth, yet it could not be forgotten, that

"When self the wavering balance shake,
Its rarely right adjusted."

How much more proper would it be to refer the proposition to a committee composed of farmers, whose labor will not be distrusted in their laudable attempt to prevent litigation.

Mr. IRWIN briefly replied. He was not quite sure that a committee of farmers could so well understand this subject as one on which there were lawyers as distinguished as the gentleman from Todd. He however was not particularly anxious as to the direction which the proposition should take; the only object he had in view being to bring it to the attention of the house, believing as he did that it was worthy of their attention.

The motion to refer to the committee on county courts was negatived, and the proposition was referred to a select committee, consisting of Messrs. Irwin, Boyd, Gholson, Dudley, and White.

COURT OF APPEALS.

The convention then again resolved itself into committee of the whole, on the report of the committee on the court of appeals, Mr. HUSTON in the chair.

[*Proceedings to be continued.*]

FRANKFORT.

WEDNESDAY :::::::::::::OCTOBER 24, 1849.

THE CONVENTION.—We have before us a communication, signed "Economy," in which the delegates to the convention generally, are taken to task, because of the prolonged debates that have taken place in that body, and because "of the failure of that body to proceed at once to the performance of the high duties it was convened to perform." The want of a responsible name as well as the great length of the communication, make it proper that we should decline giving it a place in our paper. But having seen in several of the most respectable papers of the State, similar complaints in regard to the action of the convention, we think it will not be amiss to give *our* impressions of the effect of the discussions, which are thus complained of. We take it for granted, that the people did not expect that the new constitution would be made in a day, or a week, or even in a month. Such men were sent here as the people, in their wisdom, saw fit to entrust with the re-construction or reorganization of their Government. They were chosen by the free suffrages of the people, and they are presumed to represent the popular sentiment of the country. The opinions and sentiments of the delegates upon many of the more important propositions, were, when the convention first assembled, as various and varied, as are the opinions and sentiments of their respective constituencies. And were these delegates, thus biased and acting under *quasi* instructions—were they, we say, to adhere pertinaciously to their respective prejudices or partialities in regard to this or that particular proposition for reform, it is not probable that a majority could be obtained upon any single branch of the many propositions for reform that have been, or that may be proposed to the convention. This pertinacious and obstinate adherence to preconceived opinion or prejudices, would therefore, result in the defeat of the object for which the people demanded the call of this convention. A new constitution, if made at all, must be the result of a generous and patriotic sacrifice of individual opinion—must be the result of a compromise—that out of the chaos of matter presented, there may be constructed an edifice of just and proper proportions, and which shall approximate to something like architectural taste and beauty. The flinging together the individual opinions of an hundred men upon any given subject—we care not what it is—produces a confused mass, without form or order. And how is form and order to be brought out of this confused mass?

There is no magic word to be spoken—there is no magician's wand within the power of the convention, with which, by a simple touch, order may be brought out of confusion. How then is the end so important to the accomplishment of the purposes for which this august assemblage was convened, to be attained? We know of no other means than that which has been adopted by that body—the free, frank, and unrestrained interchange of sentiment and opinion. The maxim that "truth is elicited by the conflict of mind, and the collision of sentiment," was never more beautifully illustrated, than in the case under consideration. Though the debate has not yet brought the convention to a vote on a single substantive proposition, yet it has been productive of infinite good in concentrating and uniting the conservative spirit in that body, and in bringing the delegates to a proper consideration of the great necessity of cherishing and promoting a liberal spirit of concession and compromise.

It has grown to be too much the habit of some of our people—even in matters of the magnitude of that concerning which we are now writing—to measure all things by what they are understood to cost in dollars and cents. What is it to the people of Kentucky, whether this convention cost a few dollars more, or a few dollars less? We will not believe that such commentaries upon the action of the convention as come from our correspondent, are the just reflex of popular sentiment in Kentucky. The people of Kentucky want a good constitution—they want it, in all respects, as perfect as it can be made by those whom they have chosen as their representatives; and the people have intelligence enough to know that such a constitution can not be made, unless there be a full and free discussion of all its parts, and mature deliberation.

☞Mr. HARGIS, the delegate from Morgan and Breathitt, was in his seat to-day. He has been confined to his room for eight days with a most violent bilious attack; he is likely now to be able to resume his services in the convention.

A correspondent suggests that the clerks of the courts in this commonwealth, be put in the civil list, and that with a view to act understandingly, it is suggested that the secretary of the convention be directed to correspond with the severrl clerks of the commonwealth, aud require, for the information of the convention, a full statement, verified by affidavit, before some official authorized to administer an oath, of the amount realized by them, annually, from the fees of their respective offices. He suggests, that after paying the clerks in all instances—the pay to be graduated to the scale of business done in the office—a fair and remunerating compensation, there will be left in the treasury of the State, a sum that will go very far towards paying the increase of the salary of the judges, which the public sentiment of the country demands.

An american gentleman now in Europe, in a letter to a friend at Philadelphia, describes a fete given by the officers of the United States Frigate, CONSTITUTION, on board that pet of our nation, to the Hon. JOHN ROWAN, late Charge to Naples. It is described as a most brilliant affair. The writer says; "It may be that there never was a more elegant compliment more appropriately paid than this ball. Colonel Rowan has had the good fortune to have made friends of all our countrymen, who have visited Naples since he has been there, as I have learned every where that I have met them. Among the most accomplished, he is perhaps the most popular of all our representatives in Europe: and it is but justice to say, that as no representative ever lived here more respected, none will leave more regretted." All who know Mr. Rowan, will most cordially unite in this tribute to him. He is an universal favorite in Kentucky—and we sincerely regret that the administration has thought it proper to recall him. His successor, we understand, is a gentleman of great worth, and will creditably represent his country abroad; but still, if it had been deemed proper by the administration to permit Mr. R. to remain, we should have been gratified at his continuance in office.

THE COMING HOG SEASON.—The Covington *Journal* states that the number of hogs driven to market this season, from that part of Kentucky will be much larger than last season; the quality about the same. We believe, from the general condition and circumstances of the farmers, and the corn crop in Ohio, that the number sent to market in that State, will also be larger.

REY.—The New Orleans Bulletin says:—"Rey is in first rate keeping; he never fared half so well in all his life; and he gets more to eat and drink in one day than would suffice him in Havana for a month."

By Telegraph to the Louisville Courier.

LATEST NEWS FROM EUROPE.

NEW YORK, October 22.

The Paris "Moniteur" says: "The French Government entirely disavows the conduct of M. Poussin, and also announces the appointment of M. Bois Lecompte, the new Minister at Turin, as Minister Plenipotentiary to Washington. Lucien Marrat relieved M. Bois Lecompte at Turin." The "Constitutional" confirms the intelligence that a joint note has been sent by the French and English Governments to Petersburg, which was expected to have the effect of preventing a rupture between Russia and Turkey. The Vienna Journal states that 500 Hungarian refugees were on a vast plain at Wedden, surrounded by Turkish troops. Kossuth, Bem, and other Chiefs, were lodged in the Negh fortress.

MONTREAL, Oct. 16, P. M.

The protest against annexation to the United States, which has been in circulation for several days, has received the signatures of several members of Parliament, and was published for the first time in the "Minerve" last evening, and also in the "Herald" this morning, with the salary of each signer attached to their names.

A "Working Men's Convention" assembled in Albany, New York, on the 2d inst. The following platform of principles was reported, discussed, and finally adopted:

We are in favor of an act to prevent the operatives of this State from being forced to work more than ten hours in one day, for any company or individual employer.

We approve of the General School Law passed at the last session of the legislature of this State.

We are in favor of instituting a law securing to every member of this commonwealth the gratuitous administration of justice.

We are in favor of securing to the actual laborer, who is a citizen, a sufficient quantity of land to subsist himself and family.

We are in favor of a lien law that shall always requite the honest laborer for his toil.

We protest against the principle that the extensive capitalists of Europe, or of our own country shall be permitted, either directly or otherwise, to buy up an unlimited quantity of our native land, thereby enhancing the price and curtailing the means of the impoverished to provide against destitution.

We are in favor of homestead exemption.

We call for the enforcement of the neglected law of 1842 in relation to State prisons.

We demand the insertion of the personal liability clause in the existing General Manufacturing law, or a repeal of the same.

The convention nominated a ticket of State officers. A resolution was adopted, denouncing Mr. Whitney's plan to build a railroad to the Pacific, with the proceeds of the sales of a large portion of the public lands, as "a scheme of gigantic robbery, the successful prosecution of which would, more than any other cause, corrupt the legislation of the land, and hasten the downfall of the republic."

A green one who had crossed the Atlantic told a story of a storm, when the rain poured down in such torrents that the ocean rose six inches. "There's no mistake," said he, "because the captain kept a mark on the side of the vessel."

MARGARET FULLER.—Miss Sarah Margaret Fuller, who for some years has been starring it in the New York Tribune, and was its Rome correspondent, has become the wife of an Italian Count and the mother of a little star. So says the Mirror.

She was a Socialist, writing letters after the fashion of Tom Paine. It is to be hoped, that since she has married a Count and got a baby, her manners and morals are a little improved.

IRELAND—HOW ORDER IS PRESERVED.—At present there are about 30,000 troops, (including militia, staffs, &c.) in Ireland. Besides this imposing force, there are 21,000 enrolled pensioners and 12,700 police. Total, 64,500 men.

"O, you have seen Hall this morning, I perceive," said a wag to a fellow who was making comical efforts to walk straight.

"Ha—hic—Hall? What—hic—Hall? What—eh?—hic—what Hall?"

"Alco-*hall*," replied the wag, as he passed on.

"What's the state of morals in your district?" said a long faced reformer to a farmer who recently visited town. "Pretty good," replied the farmer; "every body seems disposed to mind his own business in our parts."

IMPROBABLE.—The Hallowell Gazette has a long account of "the wonderful cure" effected by a mesmeriser in that town. Miss Hannah S. Ames, who has been unable to speak for seventeen months, was mesmerised; the doctor placed his hand upon her throat, commanded her to speak, she made the attempt and spoke. This is backed up by twenty one persons.

HOUSEHOLD ORDERS.

Rachel, go and comb your hair;
Betty, stop your laughing there;
Kate, make haste and wash the dishes,
And Susan, mend your father's—pantaloons;
Jim, go out and bring the logs!
I'll whip you, John, you know I will,
If you don't stop a kicking Bill!

MARRIED,

In Scott county, on the 18th inst., by the Rev. John L. Waller, Mr. GEORGE E. BEATY to Miss LAVINIA A. BROOKING.

By the same, on the 23d inst., Mr. ROBERT S. REARDNIG, of Woodford county, to Miss HELEN P. BEATY, of Scott county.

SPECIAL NOTICES.

Mr. KROLLMAN, as will be seen by an advertisement in another column, proposes to give a grand vocal and instrumental concert, at the Shields House, on Thursday evening next. Mr. K. is a superior violinist, and the gentlemen advertised to assist him, are said to be very proficient in their several departments.

Office of G. S. of G. D. of Kentucky,
FRANKFORT, OCT. 24, 1849.

The SONS OF TEMPERANCE OF KENTUCKY are informed that the undersigned has been elected G. S. by the Grand Division of Kentucky, and has removed the office to Frankfort, where all communications to the Grand Division must be addressed. ANDREW MONROE, G. S.

☞A few copies of the New York Debates just received and for sale at TODD'S BOOKSTORE, St Clair street. October 15.

☞ THE LOUISVILLE DAILY COURIER.—The Louisville Morning Courier will be furnished to Members of the Convention, and others, for any length of time, at the rate of 50 cents per month. Subscriptions received by H. M. MCCARTY, at the *Shields House.* Oct. 6.

☞ PILGRIM ENCAMPMENT, No. 4, I. O. O. F., meets every 2d and 4th Thursday night each month, at the Odd Fellows Hall. Visiting Patriarchs are invited to attend.

HUMPHREY EVANS, S.

October 13, 1849.—d6m

☞PHŒNIX LODGE, No. 28, I. O. O. F., Frankfort, Ky., meets every Wednesday night. Visiting Brothers in good standing are invited to attend.

Hall over the City Drug Store.

BENJAMIN LUCKETT, Sec'y.

To the Members of the Senate of Kentucky.

THE undersigned would respectfully announce that he will be a candidate for the office of "Door Keeper of the Senate" at the approaching session. To those who are not acquainted with him, he would refer them to the citizens of Frankfort.

LEWIS B. FENWICK.

October 24, 1849.—tl

MASONIC NOTICE.

OWEN LODGE, No. 128, will celebrate the approaching **Anniversary of St. John the Evangelist**, (December 27th,) at Owenton, Owen county, by a Procession and Oration.

Brethren from a distance in good standing, are earnestly invited to be present and participate in the ceremonies

WILLIS ROBERTS,
J. R. HALLAM,
GEORGE R. BUCKNER,
WEEDEN SLEET,

Owenton, Ky. Oct. 1849.—1td we89 3t *Committee.*